

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	CRIMINAL NO.
v.	:	DATED FILED:_____
JAMES T. FUSSELL	:	VIOLATION: 18 U.S.C. § 641 (Unauthorized sale of government property - 2 counts)

I N F O R M A T I O N

C O U N T O N E

THE UNITED STATES ATTORNEY CHARGES THAT:

1. At all times material to this Information, defendant JAMES T. FUSSELL was a resident of Clinton, North Carolina, who offered items for sale through Ebay, an internet auction site. Among the items JAMES T. FUSSELL offered for sale were small-arms protective inserts (“SAPI plates”).

2. The SAPI plates offered for sale by defendant JAMES T. FUSSELL were manufactured by ArmorWorks, Inc., in Phoenix, Arizona, pursuant to a contract awarded by the Defense Logistics Agency, a procuring division of the Department of Defense. The SAPI plates were lightweight body armor designed to provide greater protection against assault rifle ammunition, and could be legally possessed and used only by the United States military. They were not permitted to be sold to the public as surplus equipment.

3. On or about February 7, 2003, defendant JAMES T. FUSSELL offered for sale on Ebay a medium size ArmorWorks SAPI plate, serial number 03105, which was purchased by a Special Agent of the Department of Defense, Defense Criminal Investigative Service, who was

working in an undercover capacity (“undercover agent”). The purchase price following the completed auction was \$355, plus shipping and insurance, which the undercover agent paid by money order sent to the defendant on or about February 11, 2003. JAMES T. FUSSELL thereafter shipped the SAPI plate to an address in Philadelphia, Pennsylvania which was provided by the undercover agent. The SAPI plate was delivered on or about February 24, 2003.

4. On or about February 13, 2003, defendant JAMES T. FUSSELL offered for sale on Ebay two ArmorWorks SAPI plates, serial numbers 02799 (medium size) and 00371 (large size), which were purchased at auction by the undercover agent for a total of \$750, plus shipping and insurance. The undercover agent paid by money order sent to the defendant on or about February 19, 2003. JAMES T. FUSSELL thereafter shipped the SAPI plates to the Philadelphia address which was provided by the undercover agent. The SAPI plates were delivered on or about February 24, 2003.

5. Between on or about February 7, 2003, and on or about February 24, 2003, in the Eastern District of Pennsylvania and elsewhere, defendant

JAMES T. FUSSELL

knowingly sold without authority a thing of value of an agency and department of the United States, which had been made under contract awarded by the Defense Logistics Agency, specifically, ArmorWorks SAPI plate serial number 03105.

In violation of Title 18, United States Code, Section 641.

COUNT TWO

THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:

1. The allegations contained in paragraphs 1 through 4 of Count One are realleged here.

2. Between on or about February 13, 2003, and on or about February 24, 2003, in the Eastern District of Pennsylvania and elsewhere, defendant

JAMES T. FUSSELL

knowingly sold without authority things of value of an agency and department of the United States, which had been made under contract awarded by the Defense Logistics Agency, specifically, two ArmorWorks SAPI plates, serial numbers 02799 and 00371.

In violation of Title 18, United States Code, Section 641.

PATRICK L. MEEHAN
United States Attorney